

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARY R. MILES,)
Plaintiff,) CIVIL ACTION NO. 05-65E
vs.) Honorable Maurice B. Cohill, Jr.
BIG LOTS, INC., BIG LOTS STORES,)
INC., CONSOLIDATED STORES) ELECTRONICALLY FILED
INTERNATIONAL CORPORATION, d/b/a)
BIG LOTS, JOUBERT, S.A. and TOOL)
AND SUPPLY OF NEW ENGLAND)
Defendants.)

JOINT MOTION FOR AMENDMENT OF CASE MANAGEMENT ORDER

AND NOW, come the Plaintiff, by and through his attorneys, Segal & Solymosi and Tibor R. Solymosi, Esquire, and Defendants, by and through their attorneys, Cipriani & Werner, P.C. and Judith A. Moses, Esquire, and file this Joint Motion For Amendment Of Case Management Order and state the following in support thereof:

1. This civil action involves a strict liability claim by Plaintiff against Defendants for personal injuries arising out of an accident that occurred on or about November 19, 2002, in the City of Erie, Pennsylvania, when Plaintiff alleges that while using a bungee cord sold by Big Lots and allegedly manufactured by Joubert, S.A., said hook broke while securing his boat, causing the cord to snap and strike Plaintiff's right eye.

2. On June 20, 2005, this Honorable Court issued a Case Management Order that, inter alia, established a pretrial schedule by which all discovery (other than expert witnesses) was

to be completed on or before December 1, 2005; Plaintiff's expert disclosures were to be served on or before January 16, 2006; Defendants' expert disclosures were to be served on or before February 16, 2006; expert depositions were to be completed on or before March 6, 2006; dispositive motions, if appropriate, were to be filed on or before April 17, 2006; responses in opposition to dispositive motions were to be filed on or before May 16, 2006; any replies in support of dispositive motions were to be filed 15 days thereafter; a Joint Concise Statement of Material Facts was to be filed on or before June 5, 2006; and, if no dispositive motions are filed, Plaintiff's pretrial narrative statement was to be filed on or before May 16, 2006, and Defendants' pretrial narrative statement was to be filed 21 days after Plaintiff's pretrial narrative statement.

3. The undersigned counsel recently assumed handling of the case. The parties have begun engaging in pretrial discovery in this case through interrogatories and requests for production of documents, but need additional time within which to complete their remaining discovery, by depositions and otherwise, in order to properly prepare their respective cases for trial and since the manufacturer of the product is located in Malaysia, additional time for discovery is needed.

4. There have been no prior requests for an extension of time to complete pretrial discovery, and this civil action has not yet been scheduled for trial.

5. In view of the additional discovery required by both parties, Plaintiff and Defendants jointly seek a 120 day extension of time until April 1, 2006, within which to complete discovery (other than expert witnesses), and the issuance of an Amended Case Management Order revising other dates in the pretrial schedule consistent therewith.

WHEREFORE, Plaintiff and Defendants respectfully request this Honorable Court to extend the time for completion of discovery (except for experts) until April 1, 2006, and to issue an Amended Case Management Order that revises other dates in the pretrial schedule consistent therewith.

Respectfully submitted,

/s/Judith A. Moses

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**Consented To By Plaintiff's
Counsel On 11/10/05**

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion For Amendment Of Case Management Order has been served on all counsel of record, by first class mail, postage pre-paid, according to the Pennsylvania Rules of Civil Procedure, on the 16th day of November, 2005.

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/s/Judith A. Moses

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Big Lots, Joubert, S.A. and Tool And Supply Of
New England, Defendants